SUPREME COURT, U. S.

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IN THE

Supreme Court of the United States

October Term, 1966

No. ~~1325~~

IRMA GROSSMAN and DAVID GROSSMAN,

Petitioners,

—v.—

JEANNETTE STUBBS *et al.* and BERNARD PEARLMAN *et al.*,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

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Petitioner prays that a writ of certiorari issue to review the judgment of the Superior Court of New Jersey, Appellate Division, entered in the above entitled cases of September 29, 1966—*Grossman* v. *Stubbs,* January 26, 1966—*Grossman* v. *Pearlman.*

Citations to Opinions Below

The opinion (1) of the Superior Court, Appellate Division is set forth as Appendix A to this petition, in *Grossman* v. *Stubbs.* No opinion was set forth in *Grossman* v. *Pearlman.* The Supreme Court of New Jersey denied certification on the petition on both matters November 29, 1966 without hearing. Rehearing was denied January 17, 1966.

Jurisdiction

The denials of Petition for Certification were filed November 29, 1966. They are set forth as Appendix B and C to this petition. The denial of the rehearings were filed

on January 17, 1967. They are set forth as Appendix D and E to this petition. The jurisdiction of this Court is invoked under the United States Constitution, Article III: Section 2.

Questions Presented

1. Does the Superior Court of New Jersey have precedence over the Supreme Court of the United States?

2. Was the plaintiff-petitioner David Grossman denied Article VII of the Amendments of the Constitution by the embezzlement of $116.33 plus interest on the purported settlement?

3. Were the plaintiff-petitioners denied "due process of law" guaranteed by the 14th amendment of the Constitution by chicanery, fraud and coercion by the defendants?

4. Was U. S. Code, Title 18, Section 241, "Conspiracy against the rights of citizens" violated by the defendants, and were these crimes compounded by the courts of New Jersey?

Constitutional Provisions Involved

Constitutional Provisions Involved Fourteenth amendment: Section One.

> "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction of the equal protection of the laws."

ARTICLE III; SECTION TWO

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all cases Affecting Ambassadors, other public Ministers, and Counsels;—to all Cases of admiralty and maritime Jurisdiction—to Controversies to which the United States shall be a Party; to Controversies between two or more States; —between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizen thereof, and foreign States, Citizens or Subjects."

ARTICLE VII OF THE AMENDMENTS

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Federal Criminal Statute

U.S.C.A. Title 18, Section 241. Conspiracy against the rights of citizens.

"If two or more persons conspire or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the U.S. or because of his having so exercised the same, they shall be fined not more than $5,000.00 or imprisoned not more than ten years."

Statement of the Case

On November 13, 1964, in the Supreme Court of the United States, No. 385, Oct. Term, 1964, *Grossman et al.* v. *Stubbs, et al.* was pending for rehearing. The matter therefore was not *res judicata.* This case resulted out of an automobile accident occurring in New York. The plaintiffs are residents of New York, had state and federal rights to be tried in New York and through the coercion, duress, fraud and chicanery of New Jersey attorneys were legally crucified in New Jersey. The suit is in plaintiffs' favor. The Grossman car was stationary when hit from behind with such force as to rip the front seat off the floorboard. If the case were tried fifty times once in each state, the plaintiffs would have won on liability. The question was one of monetary value. The issue before this Court was neither liability nor monetary—it was a constitutional question of rights.

The coinciding matter Docket #822, Oct. Term, 1964, *David Grossman* v. *Stubbs et al.* was an issue of fraud in the courts. A purported settlement was inflicted upon David Grossman by trickery by the attorney who imposed himself upon the Grossmans. The odious method used to inflict this purported settlement was fully described in U. S. Supreme Court #822/64. The aforementioned #822/64 was not filed in the Supreme Court of the United States until Dec. 1964. Defendant never entered brief to deny purported settlement in U. S. Supreme Court.

M. F. Pearlman, the imposed trial counsel, through his devious methods obtained a lien on March 1, 1963 that could not be paid until the entire case was adjudicated.

On November 13, 1964, an order was signed in the Superior Court of New Jersey authorizing payment on the

said lien (*Grossman* v. *Pearlman*). Notice of Appeal was immediately filed. On November 27, 1964, without plaintiffs' knowledge or consent the sum of $4,116.33 plus interest was paid to M. F. Pearlman. The $4,000 amount was from the judgment of $10,000 and on this date was within the jurisdiction of the Supreme Court of the United States. The $116.33 was from the $350 purported settlement for which no release, warrant or agreement of any kind has ever been signed. This was a clear act of fraud and embezzlement plus the violation of plaintiffs' constitutional and civil rights. This matter was on Notice to the Supreme Court of the United States and within that Court's jurisdiction. The defendants' attorneys were aware of these matters; in fact a brief in reply to plaintiffs' petition for rehearing was attempted to be filed in #385/64 and was returned by this Court December 1, 1964.

In taking the facts as outlined to the Appellate Division of New Jersey, the Appellate Division violated U. S. Code Title 18, Section 241, by their knowledge of this embezzlement and the court's non-action. The title of this case, *Grossman* v. *Pearlman,* stems out of the fact the plaintiffs attempted to sue the involved attorneys for their acts against the plaintiffs—and suit would force the court to bring the entire matter of purported settlement, imposed attorneys, imposed liens without the aid of counsel, when requested, to the attention of a jury (the people). M. F. Pearlman countersued to the plaintiffs' delight. The suit against M. F. Pearlman was dismissed on the nonsensical claim that the counts against the defendant were enumerated incorrectly. There was no opportunity given to amend the complaint. I ask this Court to read plaintiffs' short certifications to the United States Supreme Court in order that they may fully understand the corruption that exists in this case. M. F. Pearlman, on the day the lien was

awarded (November 13, 1964), dropped his suit against the Grossmans which fact we bitterly fought. M. F. Pearlman could maneuver his lien before the court appointed judges of New Jersey, but taking it before a jury was another matter.

On January 14, 1966 (*Grossman* v. *Stubbs*) we first learned the lien had been paid to M. F. Pearlman. This was a year and three months later. No notice had ever been given us and we believed the matter to be on appeal to the Appellate Division of New Jersey. The illegally paid lien (*Grossman* v. *Pearlman*) was then taken to the Supreme Court of New Jersey. It was filed February 21, 1966 and not refused without hearing until November 29, 1966, a period of ten months. A rehearing was requested and refused January 17, 1967.

On January 14, 1966, in *Grossman* v. *Stubbs,* an order was sought by the defendants to pay the judgment into the court. The plaintiffs at the same hearing sought to open the entire matter of M. F. Pearlman's lien which was first heard on March 1, 1963. At this time plaintiffs requested counsel from the Bar Association of Hudson County who never appeared. We were therefore on March 1, 1963 unaware of our legal rights. We were also unaware of how the purported settlement had been pulled off and knew nothing of David Grossman's case being settled at all. Contrary to the Appellate Division opinion, we fought the entire lien and agreed to nothing (U.S. Supreme Court #385/64).

We had many times asked this matter be reopened as we had not been represented by adequate counsel nor had we had the facts. The court blocked our every attempt.

On January 14, 1966 the court signed the remaining $6,000 into court and denied us hearing. There remained

an amount of $233.67 from the $350.00 that is unexplained. $116.33 was embezzled. Where's the rest? The Appellate Division would allow no hearing when the plaintiffs appeared to be heard. The Supreme Court of New Jersey refused certification or rehearing.

In September 1966 M. F. Pearlman demised. We attempted to have a claim and petition against the estate for the $4,116.33 plus interest that he with the help of the court and the defendant (insurance co.) embezzled. The court (Probate, Superior, Appellate Division, Supreme Court of New Jersey) would not accept our papers denying us due process of law.

The embezzlement stands, the purported settlement stands, the facts of coercion, fraud, chicanery stand. The fact that every type of hearing has been denied plaintiffs including an ethics committee hearing stands.

Reasons for Granting the Writ

I

David Grossman (*D. Grossman* v. *Stubbs*, #822/64) never signed an agreement, warrant, or anything else to this purported settlement of September 19, 1962. He was entitled to a trial by jury guaranteed by Article VII of the Constitution of the United States. The payment of $116.33 to M. F. Pearlman is embezzlement and the matter was within the jurisdiction of the Supreme Court of the United States and not adjudicated.

II

I. Grossman v. *Stubbs*, #385/64, was on petition to the Supreme Court of the United States when M. F. Pearlman was paid $4,000. This was embezzlement and the violation

of the plaintiff's constitutional rights. The jurisdiction of the Supreme Court of the United States as the highest power in the courts is supposed to be an all the time thing—constant and unfloundering—not just for some cases.

III

This entire issue of the people being fodder or meat for the attorneys' benefit must be heard if not by the courts then by the court of public opinion.

IV

When the courts have no regard or respect for the people and these same courts, who are supposedly the foundation of this country and the protectors of the Constitution, show that they have no regard or respect for the people, the people in turn have no respect for the courts and the Constitution. Words liks "justice," "decency," "American way" and "due process of law" are apparently propaganda and non-existent. The plaintiffs do not ask for mere monetary value. We want our complete, entire and whole constitutional rights protected. We want the guarantee that for expediency no court or group of attorneys will be allowed to walk all over us or any other citizens of this country. Mere words cannot express how sincerely and deeply plaintiffs feel over this case.

CONCLUSION

For the foregoing reasons this petition for Writ of Certiorari should be granted.

Respectfully submitted,

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